

REMARKS/ARGUMENT**Regarding the Amendments to the Specification:**

Several minor errors noted in the specification during preparation of this response have been corrected. No new matter has been introduced.

Regarding the Claims in General:

Claims 1-4, 7, and 12-22 are now pending. Claims 1-4 and 7 have been amended to better highlight the distinguishing features of the invention and to improve the form thereof. Claim 5 has been replaced by new claims 12 and 13, claim 6 has been replaced by new claims 14 and 15, and claim 8 has been replaced by new claim 21. New claims 16-20 and 22 have been added to provide applicant with additional protection to which he appears to be entitled in view of the prior art.

The claims now recite more explicitly what was already at least implicit in the claims as previously presented, and have therefore not been narrowed for statutory purposes related to patentability.

Regarding The Allowable Subject Matter

Applicant notes with appreciation the indication that claims 3 and 4 would be allowed if rewritten in independent form incorporating the limitations of their respective parent claims. Because these claims are directly or indirectly dependent on claim 1, which is believed to be allowable in its present form, claims 3 and 4 have been retained in dependent form pending the Examiner's further consideration.

Regarding the Accompanying IDS

Accompanying this Amendment is an Information Disclosure Statement and a copy of a United States Published Patent Application 2002/0162902 referred to therein. The '902 application is commonly owned with the present application, and is also directed to a speed limiting mechanism for a turbine driven sprinkler. There are, however, significant structural and functional differences between the subject matter of the published application and the present application, but the '902

application is being brought to the Examiner's attention since it is currently pending before a different Examiner.

Regarding the Prior Art Rejections:

In the outstanding Office Action, claims 1, 2, and 5-11 were rejected as anticipated by Clark U.S. Patent 5,375,768 (Clark). Applicant respectfully submits that this rejection is not applicable to the claims now pending. Reconsideration and withdrawal of the rejection are accordingly requested.

Claim 1 is directed to a gear driven sprinkler having a flow control valve which cooperates with a turbine assembly to control the rotational speed of the turbine. The claim specifically calls for:

a flow control valve slidably engaged with the turbine housing to move between a first position and a second position, wherein the second position allows fluid flow through the main housing to bypass the inlet to the turbine housing and throttles the outlet of the turbine housing.

Although Clark does disclose a flow control valve slidably engaged with a turbine housing to move between a first position and a second position, the operation of Clark's valve at the second position does not meet the terms of the cited limitation. In the second position, as illustrated in Fig. 2 of the patent, a throttle blade 70 controls the flow of fluid to the *inlet of the turbine housing*. Throttle blade 70 does not interact in any way with the turbine housing *outlet*.

It is respectfully suggested that the Examiner has recognized this distinction, as his application of Clark to claim 1 in section 1 of the Office Action speaks of Clark's valve as assisting in "throttling the *rotation of the sprinkler*". The Examiner does not mention throttling the *outlet* of the turbine housing.

As Clark does not disclose, teach, or suggest a flow control valve which throttles the outlet of the turbine housing, claim 1 is neither anticipated nor rendered obvious by Clark, and should be allowed.

Dependent claim 2 is allowable over Clark for the reason stated above. In addition, claim 2 recites that the flow control valve further includes "a sleeve disposed around the turbine housing for throttling the outlet of the turbine housing. Clark does not disclose, teach, or suggest such a sleeve. Claim 2 should be allowed for this additional reason.

Claims 12 and 13, which have replaced claim 5, are also allowable over Clark. Claim 12 calls for:

. . . a flow control valve movable between a first position . . . and a second position at which the valve allows a portion of the fluid flow from the main fluid inlet to bypass an inlet to the turbine housing and restricts the flow of fluid through an outlet of the turbine housing.

As discussed above in connection with claim 1, Clarke's flow control valve does not restrict the flow of fluid through an *outlet* of the turbine housing, and therefore claim 12, and its dependent claims 7 and 13-20 are also allowable. In addition, claims 7 and 13-20 recite features which, in combination with the features of their respective parent claims are neither disclosed, taught, or suggested in Clark.

Method claims 21 and 22 are also patentable over Clark. Claim 21 recites:

driving a rotor in the turbine assembly by contacting the rotor with the fluid as it flows through the turbine assembly;

diverting a portion of the fluid flow to bypass the turbine assembly in response to a force generated by the flowing fluid exceeding a preset minimum level; and

increasingly restricting fluid flow through a fluid outlet from the turbine assembly in response to a force generated by the flowing fluid exceeding a second preset level above the preset minimum level.

As discussed above, Clark does not disclose an arrangement which can be used to increasingly restrict a fluid outlet from the turbine assembly in response to a force generated by the flowing fluid exceeding a second preset level above a preset minimum level or under any other conditions. Claim 21 should therefore also be allowed.

Claim 22 further calls for the step of ". . . limiting the extent to which the turbine assembly outlet is restricted such that no further restriction occurs even if the force continues to increase". Obviously, this can not happen in Clark's arrangement. Claim 22 should therefore be allowed for this additional reason.

In view of the foregoing, favorable reconsideration and allowance of this application are respectfully solicited.

I hereby certify that this correspondence is being transmitted by Facsimile to (571) 273-8300 addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

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Date of Signature

LAH:lac

Respectfully submitted,

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